

- b. Microcrystalline compound (claim 11)
- c. Metal-chelate compound (claim 12)
- d. Semiconductor crystals (claim 8)
- e. Pyrrole dye (claim 13)
- f. Luminescent protein (claim 14)

List 2 – Excitation and Emission Frequencies of Luminescent Substance

- a. Excitation frequency is higher than emission frequency (claim 7)
- b. Excitation frequency is lower than emission frequency (claim 10)

List 3 – Biomolecules

- a. Proteins / peptides (claims 18, 25 and 28)
- b. Cell receptors (claims 18, 25 and 28)
- c. Nucleic acids / nucleic acid fragments (claims 18, 25 and 28)
- d. Polysaccharides / oligosaccharides (claims 18, 25 and 28)
- e. Antibodies / antibody fragments (claims 18, 25 and 28)
- f. Streptavidin (claims 18, 25 and 28)
- g. Avidin (claims 18, 25 and 28)
- h. Biotin (claims 18, 25 and 28)
- i. Enzymes (claims 18, 25 and 28)

According to the Examiner, claims 1-6, 15-17, 21-23, 26 and 27 are generic and the species listed above do not relate to a single inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 the species lack the same or corresponding special technical features since each species of luminescent substance are structurally and materially

different from one another. The Examiner further states that each species of biomolecules are structurally and functionally different from one another.

The Applicant respectfully traverses the conclusion of the Examiner. However, the Applicant wishes to elect as follows for continued prosecution:

List 1 – Luminescent protein (claim 14)

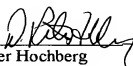
List 2 – Excitation frequency is higher than emission frequency (claim 7)

List 3 – Streptavidin (claims 18, 25 and 28)

The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

Date: December 26, 2006

By: 
D. Peter Hochberg
Reg. No. 24,603

D. Peter Hochberg Co., L.P.A.
1940 E. 6th St. – 6th Floor
Cleveland, OH 44114-2294
(216) 771-3800